

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	CASE NO.:
COUNTY OF RICHLAND)	
)	
Shakantala Jones,)	
)	
Plaintiff,)	SUMMONS
)	
vs.)	
)	
Stanley Eugene Smith and MDS Haulers,)	
LLC,)	
)	
Defendants.)	
_____)	

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer upon the subscriber at 1418 Park Street, Columbia, South Carolina, within thirty (30) days, thirty-five (35) days if service is by certified mail, exclusive of the day of said service, and if you fail to answer, appear or defend this action within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

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Columbia, South Carolina

Dated: July 20, 2021

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	CASE NO.:
COUNTY OF RICHLAND)	
)	
Shakantala Jones,)	COMPLAINT
)	JURY TRIAL DEMANDED
Plaintiff,)	
)	
vs.)	
)	
Stanley Eugene Smith and MDS Haulers,)	
LLC,)	
)	
Defendants.)	
)	

The plaintiff, above named, complaining of the defendants, herein, would respectfully show:

JURISDICTION AND PARTIES

1. That the plaintiff is a resident and citizen of the State of Texas.
2. That the defendant, MDS Haulers, LLC, is a limited liability company organized and existing under the laws of one of the states of the United States of America.
3. That the defendant, Stanley Eugene Smith, is a resident and citizen of the State of Georgia.
4. That at all times hereinafter mentioned, Interstate 20 is a paved public road running generally in an east/west direction and is located in the County of Richland, State of South Carolina.
5. That this court has jurisdiction over the parties and the subject matter herein as the motor vehicle crash at issue occurred in Richland County, State of South Carolina.

COUNT I

**MOTOR VEHICLE NEGLIGENCE AND VICARIOUS LIABILITY
OF DEFENDANTS, MDS HAULERS, LLC AND STANLEY EUGENE SMITH**

6. That plaintiff re-alleges and incorporates by reference paragraphs 1-5 as if fully and completely set forth herein.
7. That at all times hereinafter mentioned, the defendant, Stanley Eugene Smith, was the operator of a 2013 commercial motor vehicle with Vehicle Identification

Number 3HSDJSJR0DN201070, License Tag Number C681CF, State of Georgia, bearing a motor carrier placard of MDS Haulers, LLC, who was then and there driving and operating said commercial motor vehicle as the servant and/or agent of the defendant, MDS Haulers, LLC, and in the actual or apparent course and scope of his employment with said defendant, and by reason thereof, defendant, MDS Haulers, LLC, is vicariously liable for the negligent acts of its said servant hereinafter complained of and for the injuries and damages sustained by plaintiff.

8. That on or about October 4, 2020, plaintiff was the driver of a motor vehicle that was traveling eastbound on Interstate 20, in the right lane of travel, in Richland County, South Carolina.
9. That the defendant driver, Stanley Eugene Smith, was the driver of a commercial motor vehicle that was also traveling eastbound on Interstate 20, in the middle lane of travel, in Richland County, South Carolina.
10. That as plaintiff continued traveling eastbound on Interstate 20, the defendant driver, Stanley Eugene Smith, suddenly attempted to merge his commercial motor vehicle from the middle lane of travel to the right lane of travel and suddenly struck plaintiff's vehicle with great force and violence.
11. That as a direct and proximate result of the aforesaid collision, plaintiff suffered great physical harm and injury, including past, present and future pain and suffering, medical expenses, mental anguish and impairment.
12. That the defendant, Stanley Eugene Smith, by and through his acts or omissions, was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars for which the defendant, MDS Haulers, LLC, and the defendant, Stanley Eugene Smith, are jointly and severally liable, to wit:
 - a. In failing to obey traffic laws pursuant to S.C. Code Ann. §56-05-1900;
 - b. In failing to keep his commercial motor vehicle under proper control;
 - c. In making an improper lane change;
 - d. In failing to keep a proper lookout;
 - e. In operating and driving a commercial motor vehicle too fast for conditions;

- f. In operating and driving a commercial motor vehicle in a careless and reckless manner;
- g. In failing to apply the brakes of his commercial motor vehicle, if any he had;
- h. In any other acts that represent a breach of the statutory laws of the State of South Carolina; and
- i. In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries and damages sustained by plaintiff, said acts being in violation of the statute laws of the State of South Carolina.

- 13. That due to the reckless, willful and wanton conduct of defendant, Stanley Eugene Smith, as well as his violations of statutory law, plaintiff is specifically entitled to punitive damages.
- 14. That plaintiff is informed and believes that she is entitled to judgment against the defendants, jointly and severally, for actual and punitive damages in an amount to be determined by the trier of fact.

WHEREFORE, plaintiff prays for judgment against the defendants, jointly and severally, for actual and punitive damages in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

COUNT II

MDS HAULERS, LLC NEGLIGENT HIRING OF STANLEY EUGENE SMITH

- 15. That the plaintiff, re-alleges and incorporates by reference paragraphs 1-5 as if fully and completely set forth herein.
- 16. That at all times material to this action, the defendant driver, Stanley Eugene Smith, was under dispatch for and under the direction, supervision and control of the defendant, MDS Haulers, LLC, and was otherwise an agent of MDS Haulers, LLC.

17. That the defendant, MDS Haulers, LLC, had a duty of care to hire a qualified, competent and suitable driver to operate a commercial motor vehicle in furtherance of company business.
18. That by hiring, employing, staffing, encouraging and/or allowing the defendant driver, Stanley Eugene Smith, to operate a commercial motor vehicle in furtherance of company business, the defendant, MDS Haulers, LLC, entered into an express and/or implied duty to protect the public, including the plaintiff, from unreasonable harm and injury.
19. That the defendant driver, Stanley Eugene Smith, did not possess the requisite knowledge, skill and ability that a competent and suitable driver would have had in order to engage in the operation of a commercial motor vehicle.
20. That the defendant, MDS Haulers, LLC, knew or should have known that the defendant driver, Stanley Eugene Smith, was incompetent, unfit, and unsuitable as he did not possess the requisite knowledge, skill and ability to operate a commercial motor vehicle in furtherance of company business.
21. That the defendant, MDS Haulers, LLC, breached its duty of care to hire a competent and suitable driver and, instead, hired Stanley Eugene Smith, who was not qualified, was incompetent and was unsuitable to operate a commercial motor vehicle in furtherance of company business.
22. That as a direct and proximate result of the corporate defendant's negligence in hiring the defendant driver, Stanley Eugene Smith, a motor vehicle crash occurred involving the plaintiff, which caused certain personal injuries to the plaintiff.
23. That as a direct and proximate result of the aforesaid collision, the plaintiff suffered great physical harm and injury, including past, present and future pain and suffering, medical expenses, mental anguish and impairment from being knocked about within her motor vehicle.
24. That the defendant, MDS Haulers, LLC, was negligent, grossly negligent, willful and wanton in one or more of the following particulars to wit:
 - a. In negligently failing to properly take affirmative action to appropriately investigate the drivers that it employed to operate a commercial motor vehicle, including Stanley Eugene Smith, thereby creating a hazardous

condition to members of the public on public roadways, thus creating an unreasonably dangerous condition for the plaintiff;

- b. In negligently failing to investigate the fitness and suitability of drivers of commercial motor vehicles including, Stanley Eugene Smith, in the operation of a commercial motor vehicle in furtherance of company business, thereby creating a hazardous condition to members of the public on public roadways, thus creating an unreasonably dangerous condition for the plaintiff; and
- c. In failing to use the degree of care and caution that a reasonable and prudent company would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries and damages sustained by the plaintiffs.

- 25. That the plaintiff is informed and believes that she is entitled to judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact.

WHEREFORE, the plaintiff prays for judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

COUNT III

MDS HAULERS, LLC NEGLIGENT RETENTION OF STANLEY EUGENE SMITH.

- 26. That the plaintiff re-alleges and incorporates by reference paragraphs 1-5 as if fully and completely set forth herein.
- 27. That at all times material to this action, the defendant driver, Stanley Eugene Smith, was under dispatch for and under the direction, supervision and control of the defendant, MDS Haulers, LLC, and was otherwise an agent of MDS Haulers, LLC.
- 28. That the defendant, MDS Haulers, LLC, had a duty of care to become aware of the unfitness and incompetence of its employees, including Stanley Eugene Smith, in the safe operation of a commercial motor vehicle used in furtherance of company business.

29. That by retaining the defendant driver, Stanley Eugene Smith, as an employee of the company, and by continuing to encourage and/or allow the defendant driver, Stanley Eugene Smith, to operate a commercial motor vehicle in furtherance of company business, the defendant, MDS Haulers, LLC, entered into an express and/or implied duty to protect the public, including the plaintiff, from unreasonable harm and injury.
30. That the defendant, MDS Haulers, LLC, breached its duty of care by failing to become aware of the unfitness, incompetence and/or unsuitability of the defendant driver, Stanley Eugene Smith, during the course and scope of his employment and in the safe operation of a commercial motor vehicle in furtherance of company business.
31. That upon learning of the defendant driver's unfitness, incompetence and/or unsuitability to safely operate a commercial motor vehicle in furtherance of company business, the defendant, MDS Haulers, LLC, breached its duty of care by retaining the defendant driver, Stanley Eugene Smith, and continuing to allow him to operate a commercial motor vehicle in furtherance of company business.
32. That as a direct and proximate result of the negligence of MDS Haulers, LLC in retaining Stanley Eugene Smith as an employee of the company and continuing to allow and encourage him to operate a commercial motor vehicle, a motor vehicle crash occurred involving the plaintiff and Stanley Eugene Smith which caused certain personal injuries to the plaintiff.
33. That as a direct and proximate result of the aforesaid collision, the plaintiff suffered great physical harm and injury, including past, present and future pain and suffering, medical expenses, mental anguish and impairment from being knocked about within her motor vehicle.
34. That the defendant, MDS Haulers, LLC, was negligent, grossly negligent, willful and wanton in one or more of the following particulars to wit:
 - a. In negligently failing to properly take affirmative action, such as investigation, discharge or reassignment upon becoming aware of its company driver's unfitness, incompetence and/or unsuitability in the operation of a commercial motor vehicle in furtherance of company

business during the course and scope of his employment, including Stanley Eugene Smith, thereby creating a hazardous condition to members of the public on public roadways, thus creating an unreasonably dangerous condition for the plaintiff; and

- b. In failing to use the degree of care and caution that a reasonable and prudent company would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries sustained by the plaintiff.

- 35. That the plaintiff is informed and believes that she is entitled to judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact.

WHEREFORE, the plaintiff prays for judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

COUNT IV

MDS HAULERS, LLC NEGLIGENT ENTRUSTMENT OF A COMMERCIAL VEHICLE TO STANLEY EUGENE SMITH

- 36. That the plaintiff re-alleges and incorporates by reference paragraphs 1-5 as if fully and completely set forth herein.
- 37. That at all times material to this action, the defendant driver, Stanley Eugene Smith, was under dispatch for and under the direction, supervision and control of the defendant, MDS Haulers, LLC, and was otherwise an agent of MDS Haulers, LLC.
- 38. That the defendant, MDS Haulers, LLC, had a duty of care to protect members of the public from unreasonable harm and injury by entrusting a commercial motor vehicle to its employees who possessed the requisite competency, knowledge, skill and ability to safely operate a commercial motor vehicle.
- 39. That the defendant, MDS Haulers, LLC, breached its duty of care by entrusting a commercial motor vehicle to its employees, including the defendant driver, Stanley Eugene Smith, as the defendant, MDS Haulers, LLC, knew or should

have known of Stanley Eugene Smith's incompetence, unfitness and unsuitability to safely operating a commercial motor vehicle in furtherance of company business.

40. That as a direct and proximate result of negligently entrusting a commercial motor vehicle to the defendant driver, Stanley Eugene Smith, a motor vehicle wreck occurred involving the plaintiff and Stanley Eugene Smith which caused certain personal injuries to the plaintiff.
41. That as a direct and proximate result of the aforesaid collision, the plaintiff suffered great physical harm and injury, including past, present and future pain and suffering, medical expenses, mental anguish and impairment from being knocked about within her motor vehicle.
42. That the defendant, MDS Haulers, LLC, was negligent, grossly negligent, willful and wanton in one or more of the following particulars to wit:
 - a. In negligently entrusting a commercial motor vehicle to its company drivers notwithstanding the unfitness, incompetence and unsuitability of its drivers, including Stanley Eugene Smith, to safely operate a commercial motor vehicle during the course and scope of his employment, including Stanley Eugene Smith, thereby creating a hazardous condition to members of the public on public roadways, thus creating an unreasonably dangerous condition for the plaintiff; and
 - b. In failing to use the degree of care and caution that a reasonable and prudent company would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries sustained by the plaintiff.

43. That the plaintiff is informed and believes that she is entitled to judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact.

WHEREFORE, the plaintiff prays for judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

COUNT V
**MDS HAULERSM, LLC NEGLIGENT TRAINING AND SUPERVISION OF STANLEY
EUGENE SMITH**

44. That the plaintiff re-alleges and incorporates by reference paragraphs 1-5 as if fully and completely set forth herein.
45. That at all times material to this action, the defendant driver, Stanley Eugene Smith, was under dispatch for and under the direction, supervision and control of the defendant, MDS Haulers, LLC, and was otherwise an agent of MDS Haulers, LLC.
46. That the defendant, MDS Haulers, LLC, had a duty of care to protect members of the public from unreasonable harm and injury by adequately train and supervising company drivers in the safe operation of a commercial motor vehicle in furtherance of company business.
47. That the defendant, MDS Haulers, LLC, breached its duty of care in failing to adequately train and adequately supervise its company drivers, including Stanley Eugene Smith, in the safe operation of a commercial motor vehicle in furtherance of company business.
48. That as a direct and proximate result of the corporate defendant's negligence in failing to train and/or inadequately training and supervising its company drivers, including Stanley Eugene Smith, a motor vehicle wreck occurred involving the plaintiff and Stanley Eugene Smith which caused certain personal injuries to the plaintiff.
49. That as a direct and proximate result of the aforesaid collision, the plaintiff suffered great physical harm and injury, including past, present and future pain and suffering, medical expenses, mental anguish and impairment from being knocked about within her motor vehicle.
50. That the defendant, MDS Haulers, LLC, was negligent, grossly negligent, willful and wanton in one or more of the following particulars to wit:
 - a. In negligently failing to properly take affirmative action to supervise, monitor and instruct its company drivers including, Stanley Eugene Smith, in the safe operation of a commercial motor vehicle thereby creating a

hazardous condition to members of the public on public roadways, thus creating an unreasonably dangerous condition for the plaintiff;

- b. In negligently failing to train and/or inadequately training its company drivers including, Stanley Eugene Smith, in the operation of a commercial motor vehicles to protect the health and safety of the public using public highways, including the plaintiff;
- c. In negligently failing to have sufficient corporate policies and/or failing to follow its own corporate policy(ies) regarding safety and the safe operation of a commercial motor vehicle in furtherance of company business;
- d. In negligently engaging in a mode of operations when the corporate defendant knew, or should have known, that said mode of operations would result in the existence of an unreasonably dangerous condition to the general public on public roadways, including the plaintiff; and
- e. In failing to use the degree of care and caution that a reasonable and prudent company would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries and damages sustained by the plaintiff.

51. That the plaintiff is informed and believes that she is entitled to judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact.

WHEREFORE, the plaintiff prays for judgment against the defendant, MDS Haulers, LLC, for actual and punitive damages in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

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Dated: July 20, 2021